

REMARKS

Applicants respectfully request reconsideration of the present U.S. Patent application based on the following remarks. No claims have been amended, added or canceled. Thus, claims 1-25 are pending.

Summary

The Office Action requested that Applicants add a "Summary of the Invention" description to the application. However, Applicants would like to kindly point out that both the M.P.E.P. and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention" in a patent application. They merely indicate where in the application the "Summary of the Invention" should be placed if Applicants were to elect to include one.

In particular, 37 C.F.R. §1.73 only states that "[a] brief summary of the invention ... should precede the detailed description." 37 C.F.R § 1.73 does not state "must" or "shall." Accordingly, Applicants have elected not to include a "Summary of the Invention" as this is within the discretion of Applicants.

Claim Rejections - 35 U.S.C. § 102(e)

Claims 1-16 and 19-25 were rejected as being anticipated by U.S. Patent No. 6,581,094 issued to Gao (*Gao*). For at least the reasons set forth below, Applicants submit that claims 1-16 and 19-25 are not anticipated by *Gao*.

As a preliminary matter, Applicants note that the Office Action states that

...*Gao* teaches substantial features of the invention as claimed...

See page 1. However, to anticipate a claim, *the reference must teach every element of the claim*. MPEP § 2131 states:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Because a rejection based on anticipation requires that the reference teach *each and every element* of the claimed invention, *Gao* cannot anticipate the claimed invention if *Gao* merely teaches the substantial features of the claimed invention. Therefore, Applicants submit that the rejection of claims 1-16 and 19-25 as being anticipated by *Gao* is *incomplete*.

Claim 1 recites the following:

receiving a discovery information query;
retrieving one or more XML files stored on one or more network devices,
each XML file containing discovery information of the network device on which
the file is stored; and
searching the discovery information in the XML files based on the
received query.

Claims 5, 10, and 15 recite similar limitations.

Gao discloses a method executed by one or more digital devices that includes storing a network address for each digital device in a set of digital devices. *Gao does not disclose retrieving one or more XML files stored on one or more network devices, each XML file containing discovery information of the network device on which the file is stored, and searching the discovery information in the XML files based on the received discovery information query.* The Office Action fails to specifically address the retrieving one or more XML files stored on one or more network devices, each XML file containing discovery information of the network device on which the file is stored, and searching the discovery information in the XML files based on the received discovery information query. These features are recited in claims 1, 5, 10, and 15. Therefore, Applicants submit that claims 1, 5, 10, and 15 are not anticipated by *Gao*.

Claims 2-4, 6-9, 11-14, and 19-25 are dependent claims and distinguish for at least the same reasons as their independent base claim in addition to adding further limitations of their own. Therefore, Applicants submit that *Gao* does not anticipate claims 2-4, 6-9, 11-14, and 19-25 for at least the reasons set forth above.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 17 and 18 were rejected as being unpatentable over *Gao* in view of U.S. Patent No. 5,734,642 issued to Vaishnavi (*Vaishnavi*). For at least the reasons set forth below, Applicants submit that claims 17 and 18 are not rendered obvious by *Gao* and *Vaishnavi*.

The Office Action states that *Gao* does not disclose a network where devices include routers and switches. The Office Action cites *Vaishnavi* to teach discovery of network devices including switches and routers. See Page 4. Whether or not this assertion is correct, *Vaishnavi* does not cure the deficiencies of *Gao*. Therefore, no combination of *Gao* and *Vaishnavi* can teach or suggest the invention of claims 17 and 18.

Conclusion

In view of the amendments and remarks set forth above, Applicants submit that claims 1-25 are in condition for allowance and such action is respectfully solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number
02-2666.

Respectfully submitted,
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